

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

SARA AFRASIABI n/k/a BISHOP,)	
)	
Plaintiff,)	Civil Case No. 07-1401-KI
)	
vs.)	ORDER
)	
MARDAN AFRASIABI,)	
)	
Defendant.)	
_____)	

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KING, Judge:

I previously remanded this action to state court after a round of briefing on federal jurisdiction. Plaintiff now seeks \$13,160.25 in attorney fees. I have discretion to award attorney fees under 28 U.S.C. § 1447(c) and Moore v. Permanente Medical Group, 981 F.2d 443, 445 (9th Cir. 1992) (district court retains jurisdiction to award attorney fees sought in motion filed under § 1447(c) after remand order entered), but decline to do so.

An order of remand may require payment of just costs and actual expenses, including attorney fees, incurred as a result of the removal. 28 U.S.C. § 1447(c). “[A]bsent unusual circumstances, attorney’s fees should not be awarded when the removing party has an objectively reasonable basis for removal.” Martin v. Franklin Capital Corp., ___ U.S. ___, 126 S. Ct. 704, 708 (2005).

Defendant attempted to distinguish Thompson v. Thompson, 484 U.S. 174, 108 S. Ct. 513 (1988), by arguing a narrow interpretation of its holding. Although I was not persuaded, defendant had an objectively reasonable basis for removal. I decline to award plaintiff attorney fees incurred to fight the removal.

Accordingly, Plaintiff's Motion for Entry of Award of Attorney Fees (#15) is denied.

IT IS SO ORDERED.

Dated this 20th day of November, 2007.

/s/ Garr M. King
Garr M. King
United States District Judge